APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,707	06/11/2001	Patrick G. Ryan	19042/00101	3980

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ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
06/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/878,707	RYAN ET AL.
	Examiner	Art Unit	
	Scott L. Jarrett	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 April 2007</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-19* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070612

DETAILED ACTION

1.   This **Final** Office Action is in response to Applicant's response to Applicant's

amendment filed April 9, 2007. Applicant's amendment amended the Abstract,

canceled claims 20-33 and amended Claims 1-19. Currently Claims 1-19 are pending.

Response to Amendment

2.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action.

        The Objection to the Abstract is withdrawn in response to the Applicant's

amendment to the Abstract.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-19 have been considered but are

moot in view of the new ground(s) of rejection.

Title

4.   The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

        The following title is suggested: System and Method for Identifying Suppliers and

Buyers and Scheduling a Market Based on Market Demand and Supply Data.

Double Patenting

5.   Claims 1-19 of this application conflict with claims 20-46, respectively, of Application No. 11/489,330. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claims 1-19 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 20-46, respectively, of copending Application No. 11/489,330. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over PriceDrive.com features, capabilities and/or characteristics of PriceDrive being disclosed in at least the following references:

I. Etensity Launches Innovative Wireless Solution for B2B Auto Exchange (August, 2000), herein after reference A;

II. PriceDrive.com Web Pages (August/October 2000), herein after reference B;

III. PriceDrive.com Web Pages (April, 2001), herein after reference C;

IV. PriceDrive.com Web Pages (May, 2001), herein after reference D; and

V. Hall et al., U.S. Patent Publication No. 2002/0194051, herein after reference '051.

Regarding Claims 1 and 11 PriceDrive teaches a system and method for creating a market for products purchased and sold by a plurality of buyers and suppliers (dealers; "The invention may optionally create *online trading communities*, provide real-time market information, as well as *access to a broader market of prospective buyers and sellers who are in need of the vehicles.* The invention may also allow ***dealers to provide each other*** with any *product for which they have a desire for, and **notify each other** if the product becomes*

available.", reference: '051: emphasis added, Paragraph 008; Abstract, Paragraphs

0007-0008, 0032, 0034, 0042-0043):

  - collecting inventory information on a recurring basis for each of a plurality of

product classes from a plurality of dealers (suppliers, buyers), the inventory information

including the amount (number) of the product/product classes that each of the plurality

of dealers has in inventory (stock; reference: '051: Claims 3, 21-22; Paragraphs 0048-

0049, 0055, 0062, 0087, 0090, 0095; Figure 7; (reference B: Paragraphs 1-2,10-11,

Page 7; reference C: Paragraphs 2, 4, Page 1; Page 4; Bullet 4, Page 6; reference D:

Paragraph 1, Page 3; Paragraph 1, Page 5)

> "The method of the invention comprises selecting the data from the
>
> dealers, processing the data, and *providing the processed data to the dealers*
>
> while maintaining confidentiality of individual data of each automotive dealer.
>
> The selecting of the data may include *collecting data indicating*, for example,
>
> *which vehicles are in demand.* The data for vehicles may include a vehicle's
>
> make, a number of a vehicle's make a dealer has in stock, a vehicle
>
> identification number, a vehicle's year, a vehicle's model, a vehicle's body
>
> style, a vehicle's color, a vehicle's mileage, a vehicle's retail asking price,
>
> a vehicle's transactions cost, a vehicle's reconditioning cost, a vehicle's
>
> age, a vehicle's selling price, a vehicle's gross profit, *an acquisition need*
>
> *of a vehicle, a selling need of a vehicle,* a vehicle's image, a vehicle's
>
> *turnover rate*, or an *aggregate* of any of the above-listed data.", emphasis added,
>
> Paragraph 0007

> For example, in the *used vehicles business, sharing vehicle data*
>
> *with other dealers provides each dealer the ability to identify which dealers*
>
> *in a region have an immediate need for vehicles* that they want to sell right
>
> away. For auto dealers, the ability to *find and purchase the most desirable*
>
> *and available used vehicles* as well as locate prospective retail customers in
>
> their region for specific vehicles give them a competitive financial advantage.,
>
> emphasis added, Paragraph 0034

- establishing an inventory profile (data, information, etc.) for each of a plurality

of dealers (sellers, retailers, stores, enterprises, etc.) of a product (reference: '051:),

the inventory profile including an optimal stocking level (inventory, target inventory level,

target day supply) based on a (typical) sales rate for that dealer for that product

(reference: '051: Claims 24-25, 58; Paragraph 0048; Figure 2, Elements 208, 220;

Figure 4, Elements 406, 408; Figure 8, Elements 812, 814; Figures 6, 10-12; (reference

B: Paragraphs 1-2, Page 7; reference C: Page 4; reference D:

- for each dealer determining a current individual dealer demand amount (buy

list, action list, recommendation, add/decrease inventory) for one or more of the product

classes (inventory; reference: '051: Claims 24-25; Paragraphs 0048-0049, 0055, 0062,

0087, 0094; Figures 17a-17b; reference C: Page 3; reference D: Paragraph 1, Page 3;

reference '051: Paragraphs 0048-0052; Figures 2, 10, 18);

> "The Recommendation 230 is a *number of vehicles* 232 the web site *recommends*
>
> *the dealer to increase or decrease its retail inventory by.* This number of vehicles
>
> 232 is *based on a dealer-specific Target Day Supply* 264 (the dealer-determined

number of days that it should take to sell the entire inventory given its historical

sales data). In particular, the system *recommends the dealer to buy or sell its*

retail inventory by the number of vehicles 232 in order to meet its predetermined

target retail inventory which matches the Target Day Supply 264. The number of

vehicles 232 is determined by subtracting the number of Retail 224 vehicles from

the predetermined target retail inventory to achieve the Target Day Supply 264. "

emphasis added, Paragraph 0048).

- determining aggregate (consolidated, market level, regional level, etc.) dealer

demand for the product/product classes by combining the current individual dealer

demand (reference D: Paragraph 4, Page 1; reference: '051: Claims 5, 6, 42, 43;

Paragraphs 0007-0034, 0042-0044, 0051, 0088, 0090-0091, 0095);

"5. A method for networking dealers managing systems, comprising: *pooling*

data from the dealers managing systems to produce *aggregate data* while

maintaining confidentiality of individual data of each dealer; and *sharing the*

aggregate data among the dealers; wherein the *dealers use the aggregate data* to

benchmark the dealers' market situations and to better understand the dealers'

marketplace.", emphasis added, Claim 5

- determining if (sufficient) supply of the product exists by identifying potential

suppliers (sellers, dealers, distributors, manufacturers, re-marketers, etc.; e.g. other

dealers) of the product/product classes, with the ability to sell (market make) the product

(reference: '051: 0042-0043; reference D: Paragraph 3, Page 3);

- determining an aggregate supply of the product by identifying potential product

suppliers with the ability to sell the product (reference '051: Paragraphs 0087, 0094-

0095; Figures 7, 17B);

- scheduling (setting up, making happen) a market (sale, auction, transaction,

trade, swap, purchase, etc.) and or multiple markets for the product if the aggregate

dealer demand is greater than zero and where (sufficient) supply exists (reference:

'051: Paragraphs 0008, 0034, 0050-0051, 0095-0096; Figure 3, Element 320;

reference B: Paragraph 4, Page 8; reference C: Paragraph 2, Page 1; reference D:

Paragraph 1, Page 3; Paragraph 1, Page 4; Paragraph 1, Page 5; Paragraph 5, Page

11; Page 24); and

> "The number of Hits 1716 indicates the total number of matching vehicles in the
>
> web site's database, including the dealership's vehicles. Moreover, the web site
>
> provides the dealership with information such as the *other dealers' needs and*
>
> *their locations, etc., in order for the dealership to complete its transaction.* The
>
> web site can also have the *dealership's Buy List* linked to a WAP device so the
>
> dealership *will always know when a vehicle it needs is available.*", emphasis
>
> added, Paragraph 0095

- notifying (altering, communicating, messaging, calling, pushing, etc.) the

dealers (buyers) having current individual demand for the product and the (potential)

suppliers of the scheduled market (transaction, sale, auction, etc.; reference: '051:

Claims 12, 33, 49, 60; Paragraphs 0041, 0095-0096; reference B: Paragraph 3, Page

2; reference C: Bullet 6, Page 6; reference D: Paragraph 1, Page 3; Paragraph 7,

Page 11);

PriceDrive teaches a market system and method wherein the products including

classes (types, categories, etc.) of products (cars, trucks, motorcycles, used, new, etc.;

(reference C: Page 6; reference D: Paragraph 1, Page 2; Paragraph 1, Page 5;

reference '051: Paragraphs 0008, 0034, 0057, 0090).

PriceDrive teaches a market method and system wherein the method steps are

repeated on a periodic (scheduled, recurring, regular, etc.) basis (reference B:

Paragraphs 1-2, Page 7; reference C: Bullet 4, Page 6; reference '051: Paragraphs

0042-0043).

PriceDrive teaches further teach the market system and method is conducted

over a network (Figure 1; Paragraphs 0004-0006, 0035-0037).

PriceDrive teaches a market system and method further comprising determining

if the supply for each of the determined product classes is equal to or greater than a

respective threshold value (e.g. over aged, ROI, demand, inventory, costs, etc.), and

scheduling a market for those determined product classes which exceed the supply

threshold values (reference D: Paragraph 1, Page 4; reference '051: Paragraphs 0048,

0057-0058, 0061).

While PriceDrive teaches aggregating both supply and demand information from

a plurality of dealers ("Also, dealers managing systems (DMS) of competitive dealers can be

networked while maintaining confidentiality of individual data of each dealer. The web site

aggregates data from the DMS's within its own system and provides the aggregate data in

various market reports or other views to members.", Paragraph 0042) . PriceDrive does not

expressly teach for each of the product classes comparing the corresponding aggregate

dealer demands to a *threshold set of values* for determining which product classes have

demand exceeding their threshold values as claimed.

Official notice is taken the determining if there is enough demand by comparing

demand to some threshold (minimum number, required level, etc.) and then scheduling

a market (auction, transaction, exchange, etc.) if and when the demand warrants it

(critical mass) is old and very well known (e.g. determining if the number of potential

buyers is equal to or greater than a minimum number). Typically markets (auctions,

retailers, sellers, etc.) makers either explicitly or implicitly know/understand the demand

for their product and/or class of products and only schedule a market (sale, auction, bid,

marketplace, exchange, trade, swap, etc.) if they know there is at least some minimum

number of interested buyers, even if it is just one buyer. Otherwise scheduling a market

when one knows there are no buyers for the product makes little sense.

Accordingly, it would have been obvious to one skilled in the art at the time of the

invention that the market system and method as taught by PriceDrive with its ability to

aggregate and disseminate both product demand and supply information in order to

schedule one or more markets would have benefited from the common business

practice of only scheduling a market (e.g. holding an auction) when at least one or more

buyers expressed an interest in the products offered through the market (i.e. for each of

the product classes comparing the corresponding aggregate dealer demands to a

threshold set of values for determining which product classes have demand exceeding

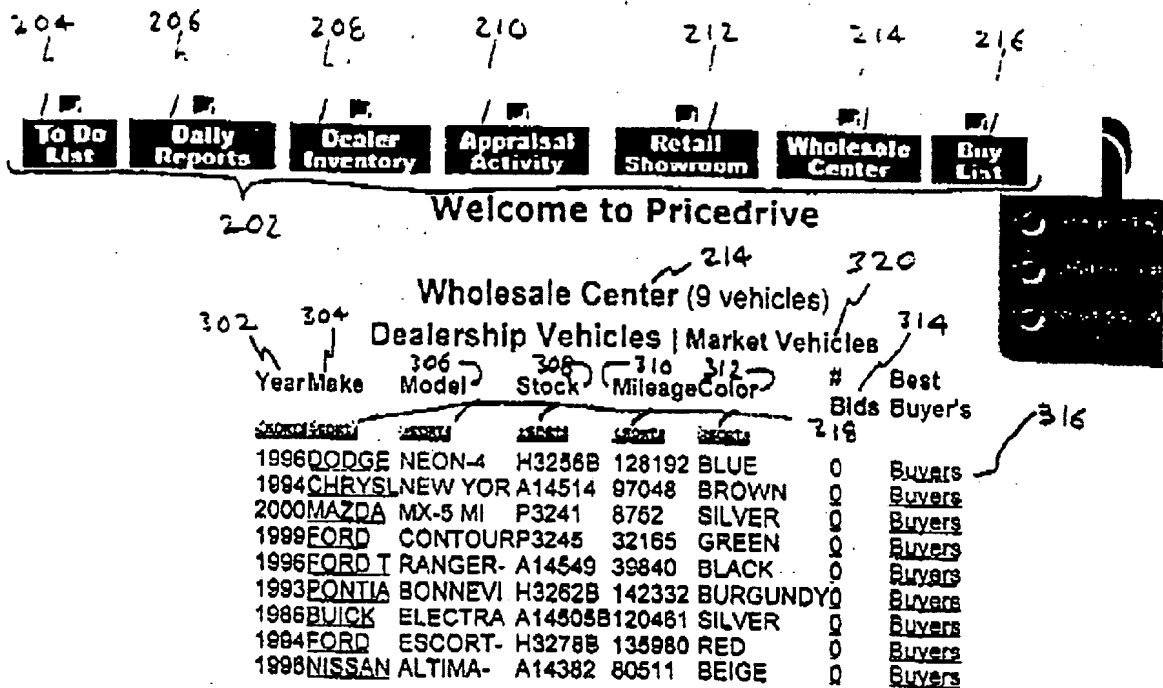their threshold values) in view of the teachings of official notice.

Figure 1: '051, Figure 3(a)

Retail Sales Trends
402   *404*   *406*   *408*

Make* △	Model* △	Metrics ▽	Qty Sold ▽ Last 6 mo	Qty Sold ▽ Last 90 days	Qty Sold ▽ Last 60 days	Qty Sold ▽ Last 30 days	Current ▽ Stock
	826		72	50	38	29	10
	PROTEGE-4 CYL		28	17	15	7	6
MAZDA	MPV-V6		21	16	11	6	1
	MILLENIA-V6		17	11	8	7	3
	B SERIES PICKUP		7	3	3	3	1
FORD	CONTOUR-4 CYL		5	4	2	2	0
JEEP	GRAND CHEROKEE-6 CYL		5	2	2	1	1
CHEVROLET	MALIBU-V6		3	2	2	0	0
MERCURY	SABLE-V6		3	2	2	1	0
TOYOTA	CAMRY		3	1	1	1	0
ACURA	TL-6 CYL		2	2	2	2	0
FORD	TAURUS-V6		2	1	1	0	0
FORD TRUCK	EXPLORER-V6		2	1	0	0	0
MAZDA	MX-5 MIATA-4 CYL		2	1	1	1	1
MITSUBISHI	GALANT-4 CYL		2	2	2	0	0
NISSAN/DATSUN	SENTRA-4 CYL		2	2	1	0	0
TOYOTA	COROLLA-4 CYL		2	1	1	0	0
BUICK	REGAL CUSTOM-V6		1	0	0	0	0
CHEVROLET	LUMINA-V6		1	0	0	0	0
CHEVROLET TRUCK	S10 PICKUP-V6		1	1	1	1	0
CHRYSLER	300M-V6		1	0	0	0	0
	CIRRUS		1	1	0	0	0
HONDA	ACCORD		1	0	0	0	0
	PASSPORT-V6		1	1	0	0	0
HYUNDAI	TIBURON-4 CYL		1	0	0	0	0
JEEP	GRAND CHEROKEE-V8		1	1	0	0	0
MAZDA	B4000 PICKUP-V6		1	0	0	0	0
	TRIBUTE		1	1	1	0	0
MERCURY	MYSTIQUE-4 CYL		1	0	0	0	0
MITSUBISHI	MIRAGE-4 CYL		1	0	0	0	0
NISSAN/DATSUN	MAXIMA-V6		1	0	0	0	2

Figure 2: '051, Figure 4

Vehicles to Watch

Stock Number △	Year △	Make* △	Model* △	Warning △	Metrics	Curr Days in Stock	Avg Days in Stock	Avg Gross Profit	Avg ROI
A14591	1999	VOLKSWAGEN	NEW BEETLE-4 CYL.	No History Available		17	N/A	N/A	N/A
A14414	1998	SUBARU	FORESTER-4 CYL.	No History Available		18	N/A	N/A	N/A
P3292	2000	FORD	FOCUS-4 CYL.	No History Available		0	N/A	N/A	N/A
H3279	1999	MAZDA	B2500 PICKUP-4 CYL.	No History Available		6	N/A	N/A	N/A
H3217B	1993	FORD	ESCORT	No History Available		1	N/A	N/A	N/A
H3296	1998	NISSAN/DATSUN	MAXIMA-V6	Below Minimum ROI		0	44	$ 355	19%
H3299	1998	NISSAN/DATSUN	MAXIMA-V6	Below Minimum ROI		0	44	$ 355	19%
P3241	2000	MAZDA	MX-5 MIATA-4 CYL.	Add Description Over Age - Wholesale		64	33	N/A	31%
H3283	1997	MAZDA	MX-5 MIATA-4 CYL.	Below Minimum ROI		6	33	N/A	31%
P3245	1999	FORD	CONTOUR-4 CYL.	Add Description Over Age - Wholesale		50	18	$ 1,548	N/A

Figure 3: '051, Figure 6

To Do List   **Daily Reports**   **Dealer Inventory**   **Appraisal Activity**   **Retail Showroom**   **Wholesale Center**   **Buy List**

Welcome to Pricedrive

Consider for Wholesale Center

802 Stock	804 Year	806 Make	808 Model	810 Mileage	812 Current Days in Stock	814 6mo Avg. Gross Profit	816 6mo Avg. ROI %	818 Warning	820 Move to WC?
H32176	1993	FORD	ESCORT		1	N/A	N/A	No History Available	☐
P3292	2000	FORD	FOCUS-4 CYL.	4900	0	N/A	N/A	No History Available	☐
H3296	1998	NISSAN/DATSUN	MAXIMA-V6	35966	0	$355	19%	Below Minimum ROI	☐
H3299	1998	NISSAN/DATSUN	MAXIMA-V6	30910	0	$355	19%	Below Minimum ROI	☐
H3278	1999	MAZDA	B2500 PICKUP-4 CYL.	31762	6	N/A	N/A	No History Available	☐
H3283	1997	MAZDA	MX-5 MIATA-4 CYL.	34923	6	N/A	31%	Below Minimum ROI	☐
A14414	1998	SUBARU	FORESTER-4 CYL.	52403	18	N/A	N/A	No History Available	☐
A14591	1998	VOLKSWAGEN	NEW BEETLE-4 CYL.	17806	17	N/A	N/A	No History Available	☐

Total vehicles = 8

Select All   **Clear All**   **Update**

800

Figure 4: '051, Figure 8

Activity - Microsoft Internet Explorer

Activity Summary for Baltimore – Washington Vehicles

Vehicles

Dealer Inventory: 63 Total Browns Mazda Fairfax Vehicles

Retail Showroom: 43 Browns Mazda Fairfax Vehicles (2348 Total Vehicles)

Wholesale Center: 20 Browns Mazda Fairfax Vehicles (119 Total Vehicles)

Appraisal Activity: 1 Browns Mazda Fairfax Vehicles (1 Total Vehicles)

Offers

Total Offers: 2 Total Offers

Retail Showroom: 2 Offers

Wholesale Center: 0 Offers

Appraisal Activity: 0 Offers

24-hour Vehicle History

	New Vehicles	Deleted Vehicles
Retail Showroom:	0 New Vehicles	0 Deleted Vehicles
Wholesale Center:	0 New Vehicles	0 Deleted Vehicles
Appraisal Activity:	0 New Vehicles	0 Deleted Vehicles
Total	0 New Vehicles	0 Deleted Vehicles

Figure 5: '051, Figure 11

To Do List	Daily Reports	Dealer Inventory	Appraisal Activity	Retail Showroom	Wholesale Center	Buy List

Welcome to Pricedrive

Market Performance By Make And Model ⟵ 1300

1302

Make: MAZDA　　　　　　　　　　1312　　　　　　　　　　　　　　Model: 626 (1304)

1366 Price Range	1312 Sold Last 6 Months	Sold Last 90 Days	Sold Last 60 Days	Sold Last 30 Days	1314 Current Stock	1316 6mo Avg Gross Profit	1318 6mo Avg Days To Retail	1320 6mo Avg ROI
N/A	21	8	4	2	1	$1322	16	N/A
$1-$5000	8	2	1	1	1	$1377	17	860%
$5001-$10000	24	22	12	6	8	$1255	32	842%
$10001-$15000	103	55	39	19	11	$1538	33	781%
$15001-$30000	2	0	0	0	0	N/A	14	N/A

1306 Mileage	Sold Last 6 Months	Sold Last 90 Days	Sold Last 60 Days	Sold Last 30 Days	Current Stock	6mo Avg Gross Profit	6mo Avg Days To Retail	6mo Avg ROI
N/A	1	0	0	0	0	$91	N/A	N/A
1-20000	18	6	3	2	4	$1333	28	242%
20001-40000	113	59	38	21	13	$1413	32	247%
40001-60000	22	16	11	4	3	$1148	21	838%
60001-80000	12	6	2	1	0	$1614	37	1008%
80001-100000	2	1	0	0	0	$425	28	N/A
100001+	3	1	1	0	1	$102	38	N/A

1310 Year	Sold Last 6 Months	Sold Last 90 Days	Sold Last 60 Days	Sold Last 30 Days	Current Stock	6mo Avg Gross Profit	6mo Avg Days To Retail	6mo Avg ROI
2000	14	4	2	1	3	$1102	33	181%
1999	6	3	1	1	1	N/A	41	N/A
1998	115	59	46	23	11	$1843	28	483%
1997	15	6	2	1	3	$1362	43	309%
1996	5	3	3	1	0	$1155	28	438%
1995	9	2	1	1	0	$1708	31	519%
1994	1	0	0	0	0	$2334	23	1779%
1993	2	1	0	0	0	$1148	26	580%
1991	1	0	0	0	0	N/A	N/A	N/A

132

Figure 6: '051, Figure 13

216

To Do List | Daily Reports | Dealer Inventory | Appraisal Activity | Retail Showroom | Wholesale Center | Buy List

Welcome to Pricedrive

Buy List ~ 216

Add Vehicle to Buy List ~1720

| 1702 | 1704 | 1706 | 1708 | 1710 | 1712 | 1714 | 1716 | 1718 |

Make	Model	Year From	Year To	Miles From	Miles To	Notes	Hits	Alert
AUDI	200	1993	1997	0	200000	View		Delete
BMW	325	1994	2000	0	200000	Post	2	Delete

Figure 7: '051, Figure 17(a)

Regarding Claim 2 PriceDrive teaches a system and method for marketing products further comprising comparing the supply for each of the determined product classes to a respective threshold value (e.g. overaged, ROI, demand, inventory, costs, etc.), wherein designating a market comprising designating a market for those determined product classes which exceed the supply threshold values (reference D: Paragraph 1, Page 4; reference '051: Paragraphs 0048, 0057-0058, 0061).

Regarding Claims 3 and 12 PriceDrive teaches a system and method for marketing products further comprising designating a plurality of markets (sales, communities, trades, auction, etc.) for each of the product classes (reference C: Page

6; reference D: Paragraph 1, Page 2; Paragraph 1, Page 5; reference '051:

Paragraphs 0008, 0034, 0057, 0090).

Regarding Claims 4 and 13 PriceDrive teaches a system and method for

marketing products further comprising offer the units of the supply of product for each of

the designated market to the dealers who have demand for the corresponding product

class (reference C: Pages 4, 6; reference '051: Paragraphs 0007-0008, 0087).

Regarding Claims 5 and 14 PriceDrive teaches a system and method for

marketing products wherein the inventory profile is defined by the corresponding dealer

(reference D: Paragraph 1, Page 5; reference '051: Paragraphs 0053, 0055, 0082,

0094; Figure 17a).

Regarding Claims 6 and 15 PriceDrive teaches a system and method for

marketing products wherein the inventory profile is based on a sales history of the

corresponding dealer (reference B: Paragraphs 1-2, Page 7; reference C: Page 4;

reference '051: Claim 24; Paragraphs 0007, 0042-0043, 0048, 0082).

> "24. A method of claim 22, wherein the number of current day supply of vehicles
>
> is a number of days it takes a dealership to sell its inventory based on at least one
>
> of the *dealership's sales history*, the *dealership's current inventory*, the
>
> *dealership's supply of vehicles*, or an amount of money that is tied up in the
>
> dealership's inventory.", emphasis added, Claim 24

Regarding Claims 7 and 19 PriceDrive teaches a system and method for marketing products further comprising collecting the inventory information on a periodic (scheduled, recurring, regular, etc.) basis (reference B: Paragraphs 1-2, Page 7; reference C: Bullet 4, Page 6; reference '051: Paragraphs 0042-0043).

Regarding Claims 8 and 16 PriceDrive teaches a system and method for marketing products wherein suppliers includes dealers who have products in inventory which the dealer has deemed to be for sale at wholesale (reference B: Paragraphs 10-11, Page 7; reference C: Page 1; reference D: Paragraph 1, Page 3; Paragraph 1, Page 5; reference '051: Paragraphs 0051, 0053, 0056-0057; Figures 3a-3c).

Regarding Claims 9 and 17 PriceDrive teaches a system and method for marketing products wherein the products are used automobiles (reference A: Page 1; reference B: Page 1; reference C: Pages 1, 3-5; reference: '051: Abstract; Paragraphs 0007-0008).

Regarding Claims 10 and 18 PriceDrive teaches a system and method for marketing products wherein the suppliers include automobile lease companies (reference: '051: Paragraph 0007).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Fisher et al., U.S. Patent No. 5,835,896, an online market for a plurality of products purchased and sold by a plurality of dealers (suppliers, vendors, etc.).

- Ettl et al., U.S. Patent No. 5,946,662, teach a market system and method for optimizing product inventory levels in a network of dealers (distributors, suppliers, retailers) based on product fill rates (sales).

- Feigin et al., U.S. Patent No. 6,006,196, teach a system and method for optimizing inventory levels amongst a plurality of dealers by estimating future demand (replenishment requirements).

- Green et al., U.S. Patent NO. 6,041,310, teach a system and method for collecting and analyzing automotive dealership inventory data in order to schedule a market between a buyer and a supplier.

- Luke et al., U.S. Patent No. 6,131,087, teach a business-to-business marketplace for scheduling markets between a plurality of buyers and sellers comprising automated supplier inventory tracking and replenishment, real-time auctions, and matching product buyers and suppliers based on multiple parameters/requirements.

- Pallakoff, U.S. Patent No. 6,269,343, teach a online market making system and method for aggregating (consolidating) demand and scheduling a market when the aggregated demand is equal to or greater than a demand threshold.

- Van Horn et al., U.S. Patent 6,631,356, teach a demand aggregation market making system and method for scheduling markets based on aggregated product demand from a plurality of individual buyers.

- Untiedt et al., U.S. Patent No. 7,216,096, teach a dealer-to-dealer product inventory management and market making system and method for vehicle products (parts) wherein the system/method schedules demand-driven markets (transactions, sales, trades, etc.) of product inventory amongst a plurality of dealers (dealers being both suppliers and buyers) based on individual and aggregated product inventory supply and demand information.

- Yang et al., U.S. Patent Publication No. 2001/0034673, teach an online business-to-business market making system and method comprising: determining optimal/target product stock/inventory levels and locations, identifying excess product inventory based on dealer inventory profile information, providing product inventory visibility amongst a plurality of dealers, scheduling markets based on aggregated demand and supply data (e.g. moving identified excess product inventory from one dealer to another dealer).

- Schmidt, U.S. Patent Publication No. 2001/0047323, teach a market system and method for scheduling a market(s) by matching a plurality of buyer's demand and sellers supply.

- Solomon, U.S. Patent Publication No. 2002/0023042, teach a demand-driven market scheduling system and method wherein aggregated buyer inventory information (wants) are matched against supplier inventory information in order to schedule a market.

- Bennett et al., U.S. Patent Publication No. 2002/0103715, teach system and method for facilitating markets between a plurality of dealers.

- Mok et al., U.S. Patent Publication No. 2002/0138166, teach a business-to-business market maker system and method for scheduling markets between a plurality of suppliers and buyers.

- Holland et al., U.S. Patent Publication No. 2002/0143605, teach a system and method generating a market between product buyers and sellers wherein product

demand is tracked for a plurality of product classes, demand and supply data is

aggregated and inventory is tracked.

- Neumayer, U.S. Patent Publication No. 2002/0169679, teach a market making

system and method for aggregating buyer product demand in order to facilitate markets

between buyers and sellers.

- Jones, U.S. Patent Publication No. 2003/0065591, teach a demand

aggregation for distributing aggregated product demand data to a plurality of suppliers

capable of supplying the demanded product.

- Livesay, U.S. Patent Publication No. 2005/01494410, teach a demand/buyer

driven online marketplace for matching product buyers and sellers.

- WO 02/07053 A2, teaches a system and method for scheduling markets for a

plurality of buyers and sellers of products, goods and services wherein the system

identifies actual demand and project excess demand and identifiers suppliers (dealers,

vendors) to match those demands.

- JP11025164A, teaches a system and method for scheduling markets between

sellers (dealers) and buyers.

- Manheim Auctions Launches Dealership Management System for Independent

Used Car Dealers Nationwide with Tracker Plus (1998), teaches a commercially

available system and method for making markets between a plurality of dealers, acting

both as sellers and buyers, wherein the system/method track vehicle inventories, enable

dealers to distribute/share vehicle inventory data as well as enable dealers to participate

in auctions.

- J.D. Power and Associates Reports: Automotive Retailer Dah Chong Hong

U.S.A. Enrolls in Power Information Network (1998), teaches a commercially available

system and method for aggregating and analyzing dealership vehicle data to assist

dealers in improving such things as inventory allocation.

- Lief et al., Net Marketplaces Grow Up (1999), teaches the well known

utilization of network market maker systems, methods and companies to create

business-to-business e-business/e-commerce marketplaces wherein buyers and sellers

are brought together to form trading communities. Lief et al. further teach the

importance of reaching "critical mass", a threshold number of buyers and/or sellers, in

order to make the markets work.

- Kafka et al., B2B Auctions Go Beyond Price (2000), teaches the well known

formation of network markets, between a plurality of buyers and sellers, to do such

things as "offload excess and user inventory."

- Used Cards, New Models (2000), teaches Manheim Auctions online dealer-to-

dealer marketplace for used cars wherein dealers can search/view nationwide auction

inventory, determine prices based on actual sales for a particular product class and

participate in a market.

- Sowa, High-tech auto-broker hits bump (2000), teaches an online dealer-to-

dealer marketplace (Dealerswap) for facilitating markets between a plurality of used car

buyer and sellers (dealers).

- The Cobalt Group and GE Capital AFS Forge Alliance to Launch Wholesale

Used Vehicle Exchange (2000) teaches an online system and method for facilitating

markets between vehicle dealers based on GE's wholesale distribution system/method

(GEAutoDirect.com) wherein lessors can make their cars available to dealers

throughout the country.

- The Cobalt Groups Newly Enhanced MotorPlace.com Portal is the Auto

Industry's Only Full-Service Online Resource for Dealers (2001), teaches an online net

market place for facilitating dealer-to-dealer transactions (markets; MotorPlace Auto

Exchange).

- The Cobalt Group's MotorPlace Auto Exchange Launches All New Version of

Wholesale Used Vehicle Exchange (2001), teaches a commercially available system

and method for remarketing used vehicles wherein buyers and sellers are matched

based on a plurality of dealer information including but not limited to aggregated

inventory information.

- MotorPoace.com Brochure (2001) teaches an online marketplace for facilitating

used car dealer-to-dealer transactions.

- How the Internet is Revolutionizing America's Used-Car Industry (2001),

teaches how the Internet is "transforming long established practices of vehicle

remarketing" wherein traditional physical auction transactions are being moved to the

virtual domain through aggregating supply and demand data (e.g. aggregating

dealership inventory data which enable dealers, both sellers and buyers, to reach a

"broader demand based distributed over a wider geographic region"). The article further

teaches several well-known dealer-to-dealer marketplaces including Cobalt and GE's

Motorplace Auto Exchange, Autodaq, Manheim Auctions and AutoTradeCenter as well

as the need to have a threshold/minimum number of both buyers and sellers participating in the marketplace ("...they must aggregate inventory online from suppliers in order to build eyeball count of purchasing dealers").

- Building the B2B Foundation (2001), teaches a plurality of "Net Market Makers" who are taking traditional business models and moving them to the Internet. Additionally the article teaches that critical mass, a threshold/minimum number of both buyers and sellers, is a well known key success factor for these Net Market Makers.

- The e-Marketplace Revolution (2001), teaches the known utilization of business-to-business e-marketplaces (exchanges, portals, vortals, etc.) in facilitating value creation through four primary strategies: aggregating spend, market transparency (visibility), transaction automation and disintermediation.

- Power Information Network (powerinfonet.com) Web Pages (1999-2000, 2001) teaches a publicly available system and method for scheduling markets between a plurality of buyers and sellers (dealers) wherein the system/method aggregates, analyzes and disseminates a plurality of vehicle inventory, sales and demand data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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June 12, 2007

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